

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 01-50070-01

VERSUS

JUDGE DONALD E. WALTER

JAMIE SMITH

MAGISTRATE MARK HORNSBY

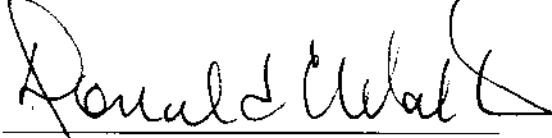
**ORDER**

Before this Court is a Motion for Reconsideration [Record Document 787] filed by Defendant, Jamie Smith. On September 24, 2009, this Court denied Defendant's request for a Certificate of Appealability holding that the Motion was not timely [Record Document 785]. After review of FED. R. APP. P. 4(a)(1)(B) and 28 U.S.C. § 2107(b), this Court determines that the Notice of Appeal [Record Document 782] is timely. This Court's denial of Defendant's Certificate of Appealability [Record Document 785] is hereby **VACATED**.

Upon due consideration, **IT IS ORDERED** that said motion be and is hereby **GRANTED**. The Court's previous Certificate of Appealability is amended to read as follows:

A final order having been filed in the above-captioned habeas case, this Court, considering the record in this case and the requirements of 28 U.S.C. § 2253, hereby finds that the Certificate of Appealability is **DENIED** because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

**THUS DONE AND SIGNED** in Shreveport, Louisiana, on this 13 day of October, 2009.

  
DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE